

# Minutes

## Clark County Planning Commission

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Regular Meeting ~ 2:00 pm.  
Wednesday, August 5, 2015

Springview Government Center  
3130 East Main Street  
Springfield, Ohio 45505

Mrs. Elaine Stevenson, Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 pm.

Present for Roll-Call: Mrs. Elaine Stevenson, Ms. Janie Riggs, Mrs. Charlene Roberge, Mr. David Minard, Ms. Jo Anderson, Mr. Jim Burkhardt, Mrs. Nora Parker, Mr. Mark Scholl, Commissioner Herier, Commissioner Lohnes and Commissioner Detrick.

### **CPC: 8-23-2015: Minutes ~ July 1, 2015 ~ Regular Meeting**

Motion by Mrs. Roberge, seconded by Mrs. Parker to **Approve** the minutes as presented.

**VOTE:**   **Yes:** Mrs. Roberge, Mrs. Parker, Mrs. Stevenson, Ms. Riggs, Mr. Minard, Ms. Anderson, Mr. Burkhardt, Mr. Scholl, Commissioner Detrick, Commissioner Lohnes, and Commissioner Herier.

**No:** None

***Motion carried.***

Chairperson Stevenson presents the case and asked Mr. Neimayer for the Staff Report.

### **Z-2015-09~ Rezoning ~ Property Owners/Applicants: Wayne & Jennifer Goodfellow ~ (RCWG, LLC) ~ 2450 Enon Road ~ 37.03 acres from I-1 to A-1 ~ Mad River Township**

Mr. Allan Neimayer stated that the subject property is located at 2450 Enon Road (PID #180-06-00032-000-126). It consists of 37.03 acres and is currently zoned I-1 (Industrial District). The 1964 zoning map for Mad River Township shows the subject property included in a M-2 (Second Industrial Zoning District) and was redesignated as I-1 (Industrial District) in 1984. The Applicants wish to build a single-family home on the property, which is not allowed under I-1 zoning.

Mr. Neimayer stated that a majority of the property is located in the floodplain. The proposed building site is at the far-east end of the property, the higher elevation of the property, and would be outside the floodplain. Staff has informed the Applicants that a survey of the floodplain boundary line would be necessary to verify the building site is outside the floodplain. In addition, Staff reviewed with the Applicants the building setback requirements to confirm that the proposed building site would comply with those requirements under A-1 zoning.

Mr. Neimayer stated that the CROSSROADS Land Use Plan identifies the subject area as *"Agriculture/Rural Residential"*: *"Predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agriculture/Rural Residential. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres – gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils)"*.

Mr. Neimayer commented on the Village of Enon's Wellfield Protection Program. The subject property not within the wellfield protection overlay zoning, but is located in the 5-year capture zone of the wellfield protection program.

The current I-1 zoning of the subject property is not appropriate due to its limited frontage and accessibility to Enon Road, most of the property is located in the floodplain, and the property is located in the 5-year capture zone of the Village of Enon's well field protection program. Therefore, Staff recommends the Applicants request to rezone the subject property from I-1 to A-1 be approved as presented.

Mr. Neimayer stated that the Applicants have been in communication with the Health Department concerning on-site utilities.

Commissioner Detrick asked if the Board could require the Applicants to hook into the water and sewer lines from the Village of Enon.

Commissioner Lohnes asked why the Board would want them to do that.

Commissioner Detrick stated that the Board would want them to do that for wellhead protection reasons.

Chairperson Stevenson commented then they would not have to drill a well. Chairperson Stevenson asked if she was correct that the information provided by Clark County Soil & Water was reflective of the part of the property that the Applicant would like to build.

Mr. Neimayer stated that was correct.

Chairperson Stevenson asked if there were any further questions. Hearing none she asked for a motion.

**CPC: 8-24-2015: Z-2015-09: Rezoning ~ Property OwnersApplicants: Wayne & Jennifer Goodfellow (RCWG, LLC) ~ Location 2450 Enon Road ~ 37.03 acres from I-1 to A-1 ~ Mad River Township**

Motion by Mrs. Roberge, seconded by Mr. Burkhardt, to **Approve** the proposed rezoning.

Mrs. Parker asked the Board if something should be added to the motion following the recommendations of soil and water that would require the Applicants to tap into the Village of Enon's water and sewer.

Mr. Neimayer stated that would be up to the Health Department.

Commissioner Detrick asked if it could be strongly suggested in the recommendation.

Mrs. Roberge amended her motion for the Applicants to continue to work with the Health Department and to try to tap into Enon's water supply. Mr. Burkhardt re-seconded the motion as amended.

**VOTE: Yes:** Mrs. Roberge, Mr. Burkhardt, Mr. Minard, Ms. Riggs, Mrs. Parker, Ms. Anderson, Mr. Scholl.

**No:** Commissioner Lohnes

**Abstain:** Commissioner Detrick and Commissioner Herier.

**Motion carried.**

**Z-2015-10 ~ Rezoning ~ Property Owner/Applicant: Timothy Wiskirchen ~ Location 6431 Springfield-Xenia Road ~ 2.50 acres from A-1 to B-4'S' ~ Mad River Township**

Mr. Neimayer stated that for the record when this case was originally filed the request was to go from R-1 district. The current zoning is actually A-1.

Mr. Neimayer stated that the request is to rezone 2.5 acres from A-1 to B-4'S', specific use. The subject property is located at 6431 Springfield-Xenia Road and consists of 2.503 acres. The property was originally zoned A-1 (Agricultural District) on the 1964 zoning map for Mad River Township. The Applicant recently bought the property and would like to develop it into a self-storage facility, which requires B-4 zoning. Attached is a preliminary site plan of the development.

CROSSROADS Land Use Plan The CROSSROADS Land Use Plan identifies the subject area as "Agriculture/Rural Residential": *"Predominantly rural portions of the County, where agriculture should remain the priority, are designated as Agriculture/Rural Residential. This designation emphasizes agriculture as the dominant land use, but also recognizes that residential uses are appropriate if very low density in character (less than one dwelling per two acres – gross density) and/or clustered to preserve significant open space features (such as prime agricultural soils)".*

Mr. Neimayer presented some photos to the Board of the subject property. The same access point/drive would be used subject to approval from ODOT. The property had been very overgrown with brush. After the Applicant acquired the property, he has worked to remove that overgrown brush as shown in the photos.

Mr. Neimayer stated that the subject area is predominantly a rural residential area. However, there is an existing business district directly across from and south of the subject property. The property also fronts along a major thoroughfare – US 68 – where business zoned property should be located. A self-storage facility is a low intensity land use used only by those renting storage units, and the Specific Use designation would allow for the Applicant's proposed development providing for proper buffering to neighboring residences while prohibiting other land uses under the Business Districts.

Mr. Neimayer stated that Staff recommends the Applicants request to rezone the subject property from A-1 to B-4'S' for a self-storage facility be approved as presented with the understanding that the submitted site plan is subject to modification following review for building code, stormwater and Health Department requirements. Mr. Neimayer asked if there were any questions for Staff.

Mrs. Roberge asked if there had been any complaints from neighbors.

Mr. Neimayer stated that there have been no complaints but that Mr. Wiskirchen had anticipated the renter to the north might be present at the meeting.

Mr. Timothy Wiskirchen stated that he was the Applicant and that the property had been very overgrown for years. While he was clearing the property the woman that rents the house to the north had said that she did not want the trees gone. Most of the trees that were removed were Catawba trees. They split very easily and many of them were damaged and very dangerous. The old foundation on the property that has been removed had about two feet of water in it and the mosquitos were awful.

Chairperson Stevenson asked Mr. Wiskirchen if he had any plans for a buffer or screening.

Mr. Wiskirchen stated that he did. There is already a six foot privacy fence around part of the property. As shown in the drawing, he would like to put up some half-buildings along the perimeter to create the look of a finished wall around the facility. It will look like a privacy fence but will be the back side of a building.

Chairperson Stevenson asked what the setback requirement was.

Mr. Wiskirchen stated that he would like it to be five (5) feet from the sides and roughly twenty (20) feet from the road.

Chairperson Stevenson asked what was required.

Mr. Wiskirchen stated that there are requirements for Residential, but that he understood that for business it would be set through the Board's approval.

Mr. Neimayer stated that the B-4 district does have set-back requirements. If the "B-4" property is located next to a residential district or agricultural district, the set-back for the side would be thirty (30) feet.

Chairperson Stevenson stated that her concern is for the neighbors and asked Mr. Wiskirchen what his plans were for the drainage.

Mr. Wiskirchen stated that the lot kind of falls to the northwest. He will continue to work with Clark County Soil and Water and has also communicated with the farmer that owns the fields behind the property. The farmer has an extensive tile system for drainage. There also is a catch basin and a storm sewer in front of the property that some water could be directed to.

Ms. Anderson asked if the bike path is to the rear of the property.

Mr. Wiskirchen stated it is not. The bike path is further to the west.

Mrs. Parker asked Mr. Wiskirchen to explain what a half-building was.

Mr. Wiskirchen stated that the main buildings are thirty (30) to forty (40) feet in depth. The half-buildings are about ten (10) feet in depth.

Mrs. Parker asked what the hours of operation would be for the facility.

Mr. Wiskirchen stated that they would have hours during the day throughout the week. A lot of facilities like this offer twenty-four (24) hour access with a key card to swipe in and out.

Mrs. Roberge stated that having to comply with the thirty (30) ft. setback would dramatically affect the layout of the facility that has been presented.

Mr. Wiskirchen stated that to have the five (5) ft. setback a variance would be necessary.

Mr. Parker stated that it sounded as if Mr. Wiskirchen was not willing to put the buildings thirty (30) ft. from the property line at this time.

Mr. Wiskirchen stated that he would not be able to do that due to the fact the property in the back is only approximately 100 feet wide.

Mrs. Roberge stated that the concern is the property values of surrounding neighbors.

Mr. Wiskirchen responded that the property in the current use and condition will dramatically affect neighbor's property values. There is a lot of commercial activity surrounding the proposed site and very few residential properties.

Mrs. Roberge stated that does not change the fact putting a commercial use in right next to a residential property that the value would decrease.

Commissioner Lohnes stated that this would change a negative to a positive.

Mrs. Roberge stated that the guidelines as far as setbacks are there for a reason.

Chairperson Stevenson asked Mr. Wiskirchen if he does obtain a variance for the five (5) ft. setback how will the weeds be controlled between the property lines.

Mr. Wiskirchen stated that he would maintain that area.

Mr. Scholl asked Mr. Wiskirchen if he planned to pave the entire area or will he leave some areas in grass.

Mr. Wiskirchen stated that there will be some pavement at the entrance but mostly gravel between the buildings.

Mr. Neimayer added that zoning regulations will require that the areas be paved.

Mr. Scholl stated that his experience in the location proposed is that there is water sitting at times. That shows in the photos that Mr. Neimayer presented to the Board.

Mr. Wiskirchen stated that it is dry now. Previously, there were many thunderstorms in a row.

Mr. Scholl asked if there has been any thought of a detention basin on the proposed property. If the property is going to be paved the run off will increase and need to be managed on-site.

Mr. Wiskirchen stated that having water retention on the site would only draw mosquitoes. The water will have to be dissipated underground.

Mr. Scholl stated that there is pre-development run-off and post development run-off. The water that runs onto the neighbors cannot be more post development than it was before.

Mr. Dean Fenton representing the Engineer's office offered to answer any questions the Board might have.

Mr. Scholl asked how the stormwater would be managed on the site if paved. Also, the report from Soil and Water did not seem real favorable about tapping into the drainage tiles in the farmer's fields to the rear of the property.

Mr. Fenton stated that there would be retention and detention requirements. The main concern is finding an outlet for the water and water quality would also be a concern.

Chairperson Stevenson asked Mr. Fenton if he had any thoughts on an outlet.

Mr. Fenton stated that he had difficulty finding an outlet on the site. When he had visited and walked the site it was pretty wet. Although it was after a rain fall, he did not see an obvious location to discharge stormwater. The aerial photo does show a potential on the other side of the corn field but that would require an easement from the farmer that owns the land.

Mr. Fenton stated that the property might be suitable for development, but it would require an engineering plan.

Chairperson Stevenson asked Mr. Fenton if he meant that the location was suitable for development but not the type of development proposed.

Mr. Fenton stated that zoning would require the business to be a store and lock. The process might not be impossible but difficult. If the zoning passed, there is no guarantee that the variances would be approved.

Commissioner Lohnes asked Mr. Fenton if his concerns were covered with the caveat and if he had reviewed the staff recommendations.

Mr. Fenton stated that he had not reviewed the staff recommendations.

Commissioner Lohnes read the recommendation.

Mr. Fenton stated that Mr. Hale, Chief Building Official, will not approve building plans if there is an issue with stormwater.

Mrs. Parker asked if the requirement for the retention pond is carved in stone or can a variance be filed.

Mr. Fenton stated that somewhere on the property will have to be carved out as a basin and definitely the run-off will have to be dealt with.

Chairperson Stevenson asked Mr. Fenton if this is the first time that the Applicant has heard this information in depth.

Mr. Fenton responded that the information was sent to Mr. Neimayer.

Mr. Neimayer stated that the information was forwarded to the Applicant prior to today's meeting.

Chairperson Stevenson stated that she was appreciative that the site has been cleared and will be useful for something. One concern is that of the expense that the Applicant will have to incur to carry the proposed project out on the site. The other concern is that of looking out for the property value of the neighboring properties.

Chairperson Stevenson asked if there were any further questions from the Board. There were none.

With no further discussion, Chairperson Stevenson asked for a motion.

**CPC: 8-25-2015: Z-2015-10: Rezoning ~ Property OwnerApplicant: Timothy Wiskirchen ~ Location 6431 Springfield-Xenia Road ~ 2.50 acres from A-1 to B-4'S' ~ Mad River Township**

Motion by Mrs. Parker, seconded by Mrs. Roberge, to **Deny** the proposed rezoning as presented.

**VOTE: Yes:** Mrs. Parker and Mrs. Roberge.

**No:** Ms. Riggs, Mr. Minard, Ms. Anderson, Mr. Burkhardt, Mr. Scholl, Commissioner Lohnes and Commissioner Herier.

**Abstain:** Commissioner Detrick

***Motion failed.***

**CPC: 8-26-2015: Z-2015-10: Rezoning ~ Property OwnerApplicant: Timothy Wiskirchen ~ Location 6431 Springfield-Xenia Road ~ 2.50 acres from A-1 to B-4'S' ~ Mad River Township**

Motion by Commissioner Lohnes, seconded by Mr. Burkhardt, to **Approve** the proposed rezoning request for a self-storage facility with the understanding that the submitted site plan is subject to modification following review for building code, stormwater and Health Department requirements.

**VOTE: Yes:** Commissioner Lohnes, Mr. Burkhardt, Ms. Riggs, Mr. Minard, Ms. Anderson, Mr. Scholl and Commissioner Herier.

**No:** Mrs. Roberge and Mrs. Parker.

**Abstain:** Commissioner Detrick

***Motion carried.***

# Minutes

## Clark County Planning Commission

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### Staff Comments

Mr. Neimayer stated the next scheduled meeting will be Wednesday, September 2, 2015.

### Adjournment CPC: 8-27-2015: Adjournment

Motion by Commissioner Detrick, seconded by Mrs. Roberge, to adjourn the meeting.

**VOTE: Motion carried unanimously.**

The meeting was adjourned at 2:52 pm.

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Mrs. Elaine Stevenson, Chairperson

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Mr. Thomas A. Hale, Secretary